

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SALT LAKE TRIBUNE PUBLISHING
COMPANY, LLC,

Plaintiff,

vs.

AT&T CORPORATION; AT&T
BROADBAND, LLC; KEARNS-TRIBUNE,
LLC; MEDIANEWS GROUP, INC.; and
DESERET NEWS PUBLISHING
COMPANY,

Defendants.

ORDER
AND
MEMORANDUM DECISION

Case No. 2:00-CV-936 TC

This case has been administratively closed since March 24, 2005. (See Dkt # 1004.)

Before the case was administratively closed, the parties stipulated to a stay of the case pending resolution of appeals in the related case of Salt Lake Tribune Publishing Company, LLC v. Management Planning Inc., 2:03-CV-565 (the MPI case).¹ The court granted the stay. (See Dkt # 964.) Plaintiff Salt Lake Tribune Publishing Company, LLC (SLTPC) now seeks an order re-opening the case, lifting the stay, and granting SLTPC leave to file an amended complaint. (See Dkt # 1012.) The Defendants oppose SLTPC's motion.

To re-open an administratively closed case, a party need only file a motion requesting re-

¹The parties also stipulated to a stay pending resolution of appeals in Salt Lake Tribune Publishing Company, LLC v. MediaNews Group, 2:03-CV-785. The cases were ultimately consolidated into the MPI case.

activation of the case, as SLTPC has done here. (See Mar. 21, 2005 Minute Entry (Dkt # 1002) (administratively closing the case and stating that “[p]arties are free to reopen the case when and if it becomes necessary.”); Mar. 24, 2005 Order (Dkt # 1004) (“[T]his case is ADMINISTRATIVELY CLOSED and may be reopened at any time upon the court’s motion or by motion of any party.”) (emphasis in original); SLTPC Mot. to Lift Stay (Dkt # 1012).)

SLTPC also requests an order lifting the stipulated stay that was approved by the court on September 10, 2004. The September 10, 2004 Order granted the parties’ stipulated motion to stay and “ORDERED that this case is STAYED and may be re-opened at any time by the court or upon motion by any party.” (Dkt # 964 (emphasis in original).) The stipulated stay provided that the case will be stayed “pending resolution of . . . appeals” in the MPI case. (Dkt # 927 at 2.) Since the stay went into effect, numerous appeals have been resolved in the MPI case, and recently the Tenth Circuit remanded that case to the district court for final resolution on the merits. The Defendants oppose lifting the stay in this case until the MPI case is fully resolved in the district court. But that is not what the language of the stipulated stay provided. The situation driving the parties to stipulate to a stay has come to an end. Accordingly, the stay is lifted.

SLTPC also seeks leave to file a supplemental amended complaint. Leave to amend the complaint should be “freely given when justice so requires.” Fed. R. Civ. P. 15(a). But SLTPC does not attach a copy of its proposed supplemental amended complaint, which is necessary to evaluate whether the court will grant SLTPC’s request. Accordingly, SLTPC’s motion for leave to file a supplemental amended complaint is denied without prejudice.

ORDER

For the reasons set forth above, Salt Lake Tribune Publishing Company, LLC’s Motion to

Lift Stay for Filing of Supplemental and Amended Complaint (Dkt # 1012) is GRANTED IN PART AND DENIED IN PART. The case is hereby re-opened and the stay is lifted. SLTPC's request for leave to file an amended complaint is denied without prejudice.

SO ORDERED this 19th day of October, 2006.

BY THE COURT:



TENA CAMPBELL
United States District Judge